

RUTHERFORD & CHRISTIE, LLP

NEW YORK

ATLANTA

August 14, 2008

VIA OVERNIGHT MAIL AND ECF

Honorable Naomi Reice Buchwald
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Khan v. American Airlines, Inc.
U.S.D.C., Southern District of New York
Docket No. : 08 CV 5246 (NRB)
Our File No. : 3748.324

Dear Judge Buchwald:

We are enclosing defendant American Airlines' Motion for Dismissal, supporting Memorandum of Law, and Declaration of David S. Rutherford pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The grounds for our motion have been laid out in our pre-motion conference letter dated June 23, 2008. In our telephone conference call of July 16, 2008 Your Honor authorized us to proceed with this motion.

Pursuant to the schedule set forth in our telephone call with Your Honor, plaintiff will serve his opposition in two weeks and our Reply will be served one week later. The parties are requesting Oral Argument before Your Honor.

Respectfully submitted,

RUTHERFORD & CHRISTIE, LLP

By: 

David S. Rutherford (DR 8564)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RYAHN KHAN, an infant by his mother and natural
Guardian DR. TEHMINA HAQUE, and DR. TEHMINA
HAQUE individually,,

Plaintiffs,

-against-

AMERICAN AIRLINES, INC.,

Defendant.

08 CV 5246 (NRB)

**NOTICE OF MOTION
FOR DISMISSAL**

Oral Argument Requested

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PLEASE TAKE NOTICE, that upon the accompanying Declaration of David S. Rutherford, Esq., sworn to on the 14th day of August 2008, the exhibits annexed thereto, and the Memorandum of Law in Support of Defendant's Motion for Dismissal, defendant, by their attorneys, RUTHERFORD & CHRISTIE, LLP, will move this Honorable Court on a date and time to be determined by the Court for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing all claims as the plaintiffs have failed to assert a cause of action against American Airlines, Inc. for which any relief may be granted. Therefore, American Airlines, Inc. is entitled to judgment as a matter of law and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that Oral Argument is requested.

Date: New York, New York
August 14, 2008

Respectfully submitted,

RUTHERFORD & CHRISTIE, LLP

By: 

David S. Rutherford (DR 8564)
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